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7 Attorneys for Plaintiffs David Garbarino,
Trustee of and on behalf of Operating
8 Engineers Pension Trust and Operating
Engineers Health and Welfare Fund; and
9 James Ryan, Trustee of and on behalf of
Operating Engineers Pension Trust,
10 Operating Engineers Health and Welfare
Fund, and Operating Engineers
11 Journeyman and Apprentice Training
Trust

12
13 UNITED STATES DISTRICT COURT

14 CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

15 DAVID GARBARINO, Trustee of and
on behalf of Operating Engineers,
16 Pension Trust and Operating Engineers
Health and Welfare Fund; and JAMES
17 RYAN, Trustee of and on behalf of
Operating Engineers Pension Trust,
18 Operating Engineers Health and Welfare
Fund, and Operating Engineers
19 Journeyman and Apprentice Training
Trust,

20 Plaintiffs,

21 v.

22 CHARLES W. POSS, an individual and
23 *former* Trustee of Operating Engineers,
Pension Trust and Operating Engineers
24 Health and Welfare Fund; CHARLES
W. POSS III, an individual and Trustee
25 of Operating Engineers Journeyman and
Apprentice Training Trust; and C.W.
26 POSS, INC, a California corporation,

27 Defendants.

Case No. 2:15-cv-02865 DDP (JPRx)

**JUDGMENT PURSUANT TO
WRITTEN STIPULATION**

1 Plaintiffs David Garbarino, Trustee of the Operating Engineers Pension Trust
 2 (“Pension Trust”) and Operating Engineers Health and Welfare Fund (“H&W
 3 Fund”); and James Ryan, Trustee of the Pension Trust, H&W Fund and Operating
 4 Engineers Journeyman and Apprentice Training Trust (“Training Trust”)
 5 (collectively “Plaintiffs”), on the one hand, and defendant C.W. Poss, Inc., a
 6 California corporation (“Defendant”), on the other hand (altogether, the “Parties”),
 7 having entered into a written Stipulation for Entry of Judgment herein and said
 8 Stipulation having been filed herein, and based upon the same and good cause
 9 appearing,

10 **IT IS ORDERED, ADJUDGED AND DECREED** that Judgment be
 11 entered in favor of Plaintiffs and against only Defendant C.W. Poss, Inc., a
 12 California corporation, on the third claim for relief in Plaintiffs’ Complaint, in the
 13 sum of \$1,068,279.18 in delinquent contributions, plus \$1,213,715.30 in
 14 prejudgment interest, plus \$712,183.23 in liquidated damages, for a total judgment
 15 in the amount of \$ 2,994,177.71. Plaintiff and Defendant C.W. Poss, Inc., shall
 16 bear their respective fees and costs incurred in this Action. This Judgment may not
 17 be amended and shall not have any effect upon any other claims of Plaintiffs in the
 18 Action under the doctrines of res judicata, collateral estoppel, claims preclusion,
 19 issue preclusion, or otherwise.

20
 21
 22 DATED: June 29, 2016

23 Bv: 

24 HON. DEAN D. PREGERSON
 25 JUDGE OF THE UNITED STATES
 26 DISTRICT COURT
 27
 28